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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRM-M-49102-2023(O&M)****Date of decision:12.10.2023**

Rani Mehra

....Petitioner

versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA**Present:-** Mr. Sushant Gupta, Advocate for petitioner.

Mr. Dhruv Dayal, Additional AG Punjab.

ARUN MONGA, J. (ORAL)

This is a petition under Section 482 of Code of Criminal Procedure, 1973 (for short 'Cr.P.C') seeking issuance of directions to the respondents No.2 and 3 to conduct an investigation on the representation dated 31.07.2023(Annexure P-2) filed by the petitioner before the respondent no.2 and to take further appropriate action against the private respondents.

2. Petitioner is married to Shamsher Singh/respondent No.6. Sushma Rani (respondent No.4) and Ajay Kumar (respondent No.5) are the petitioner's in-laws. The petitioner began living separately from the in-laws' family, allegedly due to their hostile behavior. She alleges that on July 27, 2023, when she went to the civil court for legal proceedings, and during her absence, respondents No.4 and No.7 unlawfully entered her residence, forcibly broke locks, and stole items such as LCDs, gold and a gold ring. She also alleges that, on July 29, 2023, respondents No.4 and No.7, along with unidentified women, once again entered the petitioner's home during her absence, and yet again forcibly broke the locks and took possession thereof.

3. Notice of motion.

4. Learned State counsel appears on service of advance copy of petition and accepts notice on behalf of State of Punjab. He opposes the petition arguing that matter is at investigation stage and law will take its own course.

5. Heard.
6. Matter in hand *prima facie* is a matrimonial dispute. Be that as it may, given aforesaid statement of the learned state counsel no indulgence of this court is warranted. Even otherwise, I am of the view that the petitioner ought to have availed other available legal remedies for redressal of her grievance, before directly approaching this Court. Ordinarily, in case of a grievance arising out of unfair or improper investigation of an FIR, the aggrieved person can seek recourse to remedy of approaching police officer superior in rank as per Section 36 Cr.P.C. Even thereafter, if grievance is yet unmitigated, one can then take judicial recourse by approaching a Magistrate of competent jurisdiction under Section 156(3) Cr.P.C.who can order investigation and submission of report by police. Not only that, an aggrieved party can choose to file a criminal complaint under Section 200 Cr.P.C., if so advised. Reference may be had to Apex Court judgment in **Sakiri Vasu versus State of U.P and others¹**.
7. In the premise, instant petition is disposed of with liberty to the petitioner approach the appropriate forum for redressal of her grievance, as aforesaid.
8. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

12.10.2023
Jyoti Thakur

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No